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EXAMINER
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COLBERT, ELLA

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3696

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02/11/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/751,121	ABENDROTH, JOHN C.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ella Colbert	3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 32-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 32-68 are pending. Claims 37-39, 41, 42, 57, and 63 have been amended in this communication filed 11/07/07 entered as Response After –Non-Final Action (Non-Responsive Amendment).
2. The Claim objections for claims 38, 39, 42, 57, and 63 have been overcome by Applicant's Amendment and are hereby withdrawn. Claims 37, 41, and 42 remain objected to for the reasons set forth in the Office Action of 12/11/06 and as set forth here below.

### ***Claim Objections***

Claims 32, 34, 37, 41-43, 47, 48, and 63 are objected to because of the following informalities: Claims 32 and 37 are in the improper method claim format. Claim 32 in claim limitations two through four in the body of the claim should begin with "transmitting an invitation electronically ...; receiving bids electronically ...; transmitting to the shipper electronically ...; and receiving electronically at the ...".

Claim 37 in the body of the claim on page 5, claim limitation three should recite 'receiving in response to a plurality of bids ...;'. Also, this claim should have a comma (,) after "Computer system" and before the "wherein" clause. Claims 34 and 41-43 have a similar problem. Claims 34, 41-43, and 63 have a similar problem.

Claim 47, page 8 recites "... products and services can be entered into the system all likened to a load with ...". This claim limitation would be better recited as "... products and services can be entered into the system similar to a load with ...". .  
Appropriate correction is required.

Claim 48 recites “respectively” which adds nothing to the claim limitation. Also claim 63 has a similar problem with the use of “respectively”.

Also, claim 48 recites “allowing” which is not considered a positive recitation in the claim. A positive recitation would be “wherein the anonymity of each and requiring selections can be based on individual qualifications and price”.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 32-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 2005/0209913 A1) Wied et al, hereafter Wied claims priority to provisional application No. 60/194,727 filed April 5, 2000 in view of (US 6,064,981) Barni et al, hereafter Barni.

As per claim 32. Wied discloses, A computerized freight management method for arranging for shipment of a load from a shipper by a carrier, based on shipping data and carrier data supplied by the shipper and the carrier, respectively, or for arranging for the buying or selling of a product, wherein the product comprises either a good or service, based on buyer data and seller data supplied by the buyer and the seller, respectively, the method comprising: inputting into the central processing system a request for bids from and by the shipper for shipping the load or from and by a buyer for purchasing a product (page 15, col. 1 [0214] –col. 2, line 7 and fig. 49); electronically

transmitting an invitation to bid for shipping the load or purchasing a product from and by the central processing system to a plurality of carriers (page 15, col. 1 [0208] and col. 2 [0217]) , line 31- col. 6, line 21); and electronically receiving bids at the central processing system from and by at least some of the carriers for shipping the load or from and by the sellers for selling a product (page 15, col. 1 [0206] and [0210]).

Wied failed to disclose, electronically transmitting to the shipper a bid report with bids received from at least some of the carriers or some of the sellers receiving the invitation to bid from and generated by the central processing system; and electronically receiving from the central processing system from and by the shipper or from and by the buyer a bid selection of at least one of the bids. Barni discloses, electronically transmitting to the shipper a bid report with bids received from at least some of the carriers or some of the sellers receiving the invitation to bid from and generated by the central processing system; and electronically receiving at the central processing system from and by the shipper or from and by the buyer a bid selection of at least one of the bids (col. 4, lines 15-67 and col. 5, lines 51-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to electronically transmit to the shipper a bid report with bids received from at least some of the carriers or some of the sellers receiving the invitation to bid from and generated by the central processing system; and electronically receiving at the central processing system from and by the shipper or from and by the buyer a bid selection of at least one of the bids and to combine Wied's shipping and carrier data with Barni's bids received from at least some of the carriers receiving the invitation to bids; and electronically receiving from the

shipper a bid selection of at least one of the bids because such a combination would allow Chou to allow customers the opportunity to evaluate competitive prices in one consolidated location instead of having to navigate to individual company web sites.

As per claim 33. Wied failed to disclose, The method of claim 32, further comprising the step of responding to the bid selection by the shipper by the central processing system electronically transmitting a name and a phone number of the corresponding one of the carriers to the shipper. Barni teaches, responding to the bid selection by electronically transmitting a name and a phone number of the corresponding one of the carriers to the shipper (col. 6, line 33- col. 7, line 54 and fig. 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to respond to the bid selection by the shipper by the central processing system electronically transmitting a name and a phone number of the corresponding one of the carriers to the shipper and to combine Wied's bid records, shippers, and carriers with Barni's responding to the bid selection by electronically transmitting a name and a phone number of the corresponding one of the carriers to the shipper because such a combination would allow Chou to navigate to a page where customer bids are posted with the name and phone number of one of the carriers and customer's.

As per claim 34. Wied discloses , The method of claim 32, wherein the invitation to bid is first transmitted from the central processing system to a third party, who then communicates the invitation to bid to a plurality of carriers in locations remote from the central processing system; and wherein the bids for at least some of the carriers are

electronically received at the central processing system as inputted from and by the third party (page 12,[0161]-col. 2, line 2 (partner –third party)).

As per claim 35. Wied discloses, The method claim 32, wherein the step of electronically transmitting an invitation to bid further includes electronically transmitting invitations for bids for a plurality of loads from and by the central processing system to an individual carrier (page 16, col. 2 [0229]-0231]).

As per claim 36. Wied failed to disclose, The method of claim 32, wherein the step of electronically transmitting to the shipper a plurality of bids further includes electronically transmitting to the shipper bids for a plurality of loads from a plurality of carriers from and by the central processing system. Barni discloses, electronically transmitting to the shipper a plurality of bids further includes electronically transmitting to the shipper bids for a plurality of loads from a plurality of carriers and from and by the central processing system (col. 5, line 16- col. 6, line 32 and fig.'s 4, 6, 8, and 11). It would have been obvious to one having ordinary skill in the art at the time the invention was made to electronically transmit to the shipper a plurality of bids for a plurality of loads from a plurality of carriers and from and by the central processing system. Barni discloses, electronically transmitting to the shipper a plurality of bids further includes electronically transmitting to the shipper bids for a plurality of loads from a plurality of carriers from and by the central processing system and to combine Wied's bidding, shippers, and carriers with Barni's electronically transmitting to the shipper a plurality of bids further includes electronically transmitting to the shipper bids for a plurality of loads from a plurality of carriers because such a combination would allow Chou to provide an

improved online business wherein customers can obtain cargo rates from one or more freight forwarders and/or carriers and negotiate shipping routes and pricing with freight forwarders and carriers.

As per claim 37, Wied discloses, A computerized method of buying and selling a product wherein the product comprises either a good or a service, the method comprising: transmitting the first report to the buyer without the buyer having to initiate communication with the computer system (page 13 [0175] and page 17 [0245] and fig's 29, 32, 34 and 41-48); and wherein the buyer can select one of the bids and communicate an acceptance to the computer system, which will then notify the other party of the communication to complete the sale (page 13 [0185] –[0187]).

This independent claim is rejected for the similar rationale as given above for claims 32.

As per Claim 38. Wied discloses, The method of claim 37, wherein in response to receiving a plurality of invitations to bid from a plurality of buyers, making an analysis of the offers to invitations to bid and distributing the invitations to bid to sellers according to at least one predetermined criterion stored in the computer system; and transmitting the second report to the seller without the seller initiating communication with the computer system (page 13 [0175], [0185] –[0187] and page 17 [0245], and fig's 29, 32, 34, and 41-48).

This claim is also rejected for the similar rationale as given above for claims 32 and 37.



As per Claim 39. Wied and Barni failed to disclose, The method of claim 37, wherein forms containing the invitations to bid can be stored in the computer system, and revised with indicators by adding a letter suffix to the system number to save re-inputting the forms to the computer system. However, it would have been obvious to have forms containing invitations to bid revised with indicators with a letter suffix to the system number to save re-inputting the forms and to modify in Wied because such a modification would allow Wied to have an efficient forms file and retrieval system which would save time.

As per Claim 40. Wied discloses, The method of claim 37, wherein invitations to bid can be imported in large numbers from existing computer databases through the use of electronic transfer programs (page 8 [0112]-page 9 [00114]).

As per Claim 41 . Wied discloses, The method of claim 37, wherein a duplicate of an invitation to bid on the computer system is transmitted from the computer system to a third party intermediary; wherein the third party intermediary is unable to change any data or information of the original invitation to bid except for the list of potential sellers for receiving the resulting request to buy from the third party intermediary; wherein indicating on the computer system on an original of the invitation to bid and on the duplicate that they are being communicated to potential sellers at the same time (page 12 [0161] –[0163]) .

As per Claim 42. Wied discloses, The method of claim 37, wherein the plurality of invitations to bid from a plurality of buyers available to a plurality of sellers on the computer system for electronic access by the buyers includes making loads available to

carriers on an electronic bulletin board accessed through the computer system, wherein making a plurality of bids by a plurality of sellers available to buyers on said computer system for electronic access by the sellers buyers includes making prospective scheduled carriers available to shippers on an electronic bulletin board accessed through the computer system (page 7 [0103] and page 10 [0130]-0131]).

As per Claim 43. Wied discloses, The method of claim 37, wherein the invitations to bid are provided by transportation shippers, wherein the bids are provided by transportation carriers, wherein the computer system electronically selects invitations to bid or bids in groups of seven and orders the bids or invitations to bid based on price and other factors (page 12 [0165] and page 13 [0185]).

As per Claim 44. Wied discloses, The method of claim 37, wherein the reports to the buyer are accessible on the computer system through a carrier bulletin board and the reports to the seller are accessible on the computer system through a shipper bulletin board (page 13 [0183] –0186]).

As per Claim 45. Wied discloses, The method of claim 37, further comprising maintaining a master bulletin board of all data on the computer system which further comprises publicly accessible shipper bulletin boards and publicly accessible carrier bulletin boards and private access networks that have limited access (page 7 [0102] – [0103]).

As per Claim 46. Wied discloses, The method of claim 37, further comprising bulletin boards with line items including items for sale and line item link buttons on said

bulletin boards for directly accessing other data provided by the buyers and sellers (page 9 [0121] –[0124]).

As per Claim 47. Wied discloses, The method of claim 37, wherein available transportation equipment and planned trips, as well as loads, warehousing products and services can be entered into the system all likened to a load with qualifications and descriptions as line items in lists of items and/or with descriptive prefixes (page 15 [0218] –[0220]).

As per Claim 48. Wied failed to disclose, The method of claim 37, wherein invitations to bid and bids transmitted to the buyers and sellers, respectively, do not indicate the identity of the buyers and the sellers, respectively, thereby allowing anonymity of each and requiring selections to be based on individual qualifications and price. Barni discloses, The method of claim 37, wherein invitations to bid and bids transmitted to the buyers and sellers, respectively, do not indicate the identity of the buyers and the sellers, respectively, thereby allowing anonymity of each and requiring selections to be based on individual qualifications and price (col. 7, lines 12-54). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the invitations to bid and bids transmitted to the buyers and sellers, respectively, do not indicate the identity of the buyers and the sellers, respectively, thereby allowing anonymity of each and requiring selections to be based on individual qualifications and price and to modify in Wied because such a modification would allow Wied to not have to expose an identity to obtain a given rate quote (see Barni at col. 7, lines 59-60).

As per Claim 49. Wied discloses, The method of claim 37, further characterized in invitations to bid and bids transmitted to the buyers and sellers, respectively, do not indicate the identity of the buyers and the sellers, respectively, do indicate the identity of the buyers and the sellers, respectively as the participants are already associated with or contracted to each other, thereby eliminating the need for anonymity (page 14 [0198]–0200]).

As per Claim 50. Wied failed to disclose, The method of claim 37, wherein a third party can initially submit a bid to a buyer of \$0.00 or use a decline button indicating that for whatever reason the request to buy has been reviewed but has been declined, or the third party can initially bid \$1 .00 or use an accept button to indicate that the reviewed request to buy will be handled and that the final bid and/or rate will be forthcoming, so that the buyer will not have to submit the request to buy to another carrier. Barni discloses, wherein a third party can initially submit a bid to a buyer of \$0.00 or use a decline button indicating that for whatever reason the request to buy has been reviewed but has been declined, or the third party can initially bid \$1 .00 or use an accept button to indicate that the reviewed request to buy will be handled and that the final bid and/or rate will be forthcoming, so that the buyer will not have to submit the request to buy to another carrier (col. 6, lines 45-65). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a third party initially submit a bid to a buyer of \$0.00 or use a decline button indicating that for whatever reason the request to buy has been reviewed but has been declined, or the third party can initially bid \$1 .00 or use an accept button to indicate that the reviewed

request to buy will be handled and that the final bid and/or rate will be forthcoming, so that the buyer will not have to submit the request to buy to another carrier and to modify in Wied because such a modification would allow Wied to know the discounted fares and selected shipping lane with the size of the container, scheduled ship date, and the time the rate expires.

As per Claim 51. Wied failed to disclose, The method of claim 37, wherein bids by sellers for re-locating empty containers can be positive dollar amounts, zero or negative dollar amounts which would indicate that the seller would pay the buyer to move the empty container. Barni discloses, wherein bids by sellers for re-locating empty containers can be positive dollar amounts, zero or negative dollar amounts which would indicate that the seller would pay the buyer to move the empty container (col. 5, lines 50-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the bids by sellers for re-locating empty containers can be positive dollar amounts, zero or negative dollar amounts which would indicate that the seller would pay the buyer to move the empty container and to modify in Wied because such a modification would allow Wied to have a full container load to make the trip worthwhile.

As per Claim 52. Wied discloses, The method of claim 37, wherein the invitations to bid, bids and reports are transmitted by facsimile as facsimile data files and are converted on a receiving end using an optical character recognition program (page 8 [0107]).

As per Claim 53. Wied discloses, The method of claim 37, wherein invitations to bid, bids and reports are transmitted over the Internet (page 7 {0103] and fig. 49 (684)).

As per Claim 54. Wied discloses, The method of claim 37, wherein invitations to bid, bids and reports are transmitted in a data file via e-mail (page 10 [0130]).

As per Claim 55. Wied and Barni failed to disclose, The method of claim 37, wherein the invitations to bid, bids and reports are created through interactive voice response. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the invitations to bid, bids, and reports to be through an interactive voice response and to modify in Wied because such a modification would allow Wied easier and more efficient access to any information needed regarding the bids and reports if they are spoken rather than written.

As per Claim 56. Wied discloses, The method of claim 37, further comprising the step of inputting carrier profile data into computer system, wherein the carrier data includes carrier identification data, carrier contact data. carrier service area data, carrier intermodal capabilities data, carrier load type services data, carrier type data, carrier annual revenue data, carrier employee size data, carrier on- time and damage-free delivery ratings data, carrier equipment data, carrier special services data, carrier commodities hauled data, carrier financial condition data, carrier hazardous license data, carrier driver data, carrier insurance data, and carrier rules and charges data (page 9 {0123] –[0125]).

As per Claim 57. Wied discloses, The method of claim 37, wherein the invitation to bid can be compared with seller profile data previously input to the computer system

to select a group of qualified sellers to receive the invitation to bid (page 10 [0138] – [0141]).

As per Claim 58. Wied discloses, The method of claim 37, further comprising inputting buyer profile data into the computer system, wherein the buyer data includes buyer identification data, buyer contact data, buyer annual revenue data, buyer number of employees, and buyer financial data (page 10 [0128] –[0129]).

As per Claim 59. Wied discloses, The method of claim 37, wherein the invitation to bid includes buyer qualifications to make a bid (page 10 [0130]).

As per Claim 60. Wied and Barni failed to disclose. The method of claim 37, further comprising individual buyer and seller bulletin boards which can be customized by the buyers and sellers to the requirements of the buyers and sellers, respectively. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have individual buyer and seller bulletin boards that can be customized by the buyers and sellers to their requirements and to modify in Wied because such a modification would allow Wied to have a bulletin board with his name and freight information and regular customers listed along with the time and trips.

As per Claim 61. Wied failed to disclose, The method of claim 37, further comprising displaying multiple windows providing the display of a plurality of bulletin boards including at least two of the following: a bulletin board for transportation loads, a bulletin board for available transportation equipment, a bulletin board for trips, a bulletin board for products, and a bulletin board for warehousing services. Barni discloses, The method of claim 37, further comprising displaying multiple windows providing the display

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of a plurality of bulletin boards including at least two of the following: a bulletin board for transportation loads, a bulletin board for available transportation equipment, a bulletin board for trips, a bulletin board for products, and a bulletin board for warehousing services (col. 5, lines 16-30 –home page is a type of bulletin board). It would have been obvious to one having ordinary skill in the art at the time the invention was made to comprise displaying multiple windows providing the display of a plurality of bulletin boards including at least two of the following: a bulletin board for transportation loads, a bulletin board for available transportation equipment, a bulletin board for trips, a bulletin board for products, and a bulletin board for warehousing services and to modify in Wied because such a modification would allow Wied to have routing and other control functions and to publish rates in a centralized location (see Barni at col. 3, lines 23 -41).

As per Claim 62. Wied discloses, The method of claim 37, further comprising private access networks with access to the computer system, each private access network requiring input of individual member numbers and authorization codes for access to the computer system (page 9 [0120] –0123]).

As per Claim 63. Wied discloses, A computerized freight management system for arranging for shipment of a load from a shipper by a carrier, based on shipping data and carrier data supplied by the shipper and the carrier, respectively, or for arranging for the buying or selling of a product wherein the product comprises either a good or service based on buyer data and seller data supplied by the buyer and the seller, respectively, the system comprising: a Central processing System (page 15 [0214] –col. 2, line 7); means for making a plurality of invitations to bid from a plurality of shippers



available to a plurality of carriers as a carriers bulletin board on the computer system for electronic access from the central processing system by the carriers or from a plurality or buyers available to a plurality of sellers as a sellers bulletin board on the computer system for electronic access from the central processing system by the sellers (page 15 [0208] –[0217]). Wied failed to disclose, means for making a plurality of bids from a plurality of carriers available to shippers on said computer system as a shipper's bulletin board for electronic access from the central processing system by the shippers or from a plurality of sellers available to buyers on said computer system as a buyer's bulletin board for electronic access from the central processing system by the buyers; said shipper's bulletin board and said carrier's bulletin board are integrated together into a master bulletin board on the central processing system or said buyer's bulletin board and said seller's bulletin board are integrated together into a master bulletin board on the central processing system that is publicly accessible pads of which can be viewed by member of the public; and wherein said master bulletin board also includes private bulletin boards that are only accessible by a limited number of parties having proper identification and passwords for access. Barni discloses, means for making a plurality of bids from a plurality of carriers available to shippers on said computer system as a shipper's bulletin board for electronic access from the central processing system by the shippers or from a plurality of sellers available to buyers on said computer system as a buyer's bulletin board for electronic access from the central processing system by the buyers (col. 6, lines 45-65); said shipper's bulletin board and said carrier's bulletin board are integrated together into a master bulletin board on the central processing

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system or said buyer's bulletin board and said seller's bulletin board are integrated together into a master bulletin board on the central processing system that is publicly accessible pads of which can be viewed by member of the public (Fig. 8 and Fig. 11); and wherein said master bulletin board also includes private bulletin boards that are only accessible by a limited number of parties having proper identification and passwords for access (col. 4, lines 15-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have means for making a plurality of bids from a plurality of carriers available to shippers on said computer system as a shipper's bulletin board for electronic access from the central processing system by the shippers or from a plurality of sellers available to buyers on said computer system as a buyer's bulletin board for electronic access from the central processing system by the buyers; said shipper's bulletin board and said carrier's bulletin board are integrated together into a master bulletin board on the central processing system or said buyer's bulletin board and said seller's bulletin board are integrated together into a master bulletin board on the central processing system that is publicly accessible pads of which can be viewed by member of the public; and wherein said master bulletin board also includes private bulletin boards that are only accessible by a limited number of parties having proper identification and passwords for access and to modify in Wied because such a modification would allow Wied to have routing and other control functions and to publish rates in a centralized location (see Barni at col. 3, lines 23 -41).

As per Claim 64. Wied discloses, The freight management system of claim 63, wherein the central processing system includes at least one central processing unit and a communication interface to the Internet (page 7 [0102] –[0103]).

As per Claim 65. Wied discloses, The freight management system of claim 63, wherein the central processing system includes at least one central processing unit, a memory for storing a database of shipper profile data and carrier profile data, and a communication interface to the Internet (page 8 [0112], page 10 [0131] and [0138] – 0140)).

As per Claim 66. Wied discloses, The freight management system of claim 63, wherein the central processing system includes at least one central processing unit, a memory for storing a database of shipper profile data and carrier profile data along with all of the individual load, equipment, product, services and the resulting transactional process and system, network, site integration data, and a communication interface to the Internet (page 9 {0123} –[0125]).

As per Claim 67. Wied discloses, The method of claim 37, wherein the central processing system includes at least one central processing unit, a memory for storing a database of shipper profile data and carrier profile data along with all of the individual load, equipment, product, services and the resulting transactional process and system, network, site integration data, and a communication interface to the Internet (page 10 [0128] –[0129]).

As per Claim 68. Wied discloses, The method of claim 37, wherein the central processing system and/or database is located on and/or remote from the Internet (page 15 [0214] –0219).

***Response to Arguments***

8. Applicant's arguments filed 09/24/06 have been fully considered but they are only persuasive in part.

Applicant argues: the following is going to, as clearly and succinctly as possible, show the error in the present reasoning by the United States Patent and Trademark Office relative to the supposed convoluted and false two-invention assertion concerning my method and system for e-commerce freight management. My method and system provides for a Grand Master Bulletin Board approach for freight management as never before which includes Master Bulletin Boards and Bulletin Boards both public and private allowing shippers and carriers which are buyers and sellers to address, compare individual and alternatives , coordinate, and analyze a myriad of critical interrelated aspects of the freight management environment all via one method and system has been considered but is not persuasive because what is being argued is not found in all of the independent claim limitations. If Applicant argues certain features those features need to be primarily in the independent claim limitations.

***Response to Arguments***

Applicant's arguments filed 11/07/07 have been fully considered but they are not persuasive.

Issue no. 1: Applicant argues: Chou (US 6,035,289), Barni (US 6,064,981), Meltzer (US 6,125,391) and Wied (US 2005/0209913 A1) individually and/or in combination presently considered pertinent to the Applicant's disclosures which fully support that my patent application subject matter does in fact comprise inventive steps has been considered but is not persuasive. Response: Applicant is not claiming in the claim limitations of the claims what Applicant considers the novel features of the invention. This is not being claimed in particular in the independent claims. The unique flexibility of the Grand Master Bulletin Board method and system "transportation tool" a shipper (buyer) can review each of the results of multiple scenarios before making a final determination and/or bid selection as to the best approach understanding that all participants can be required to meet specific qualifications to participate and that the Grand Master Bulletin Boards and Bulletin Boards for private and public use for shippers and carriers to compare individual and alternatives, coordinate, and analyze a myriad of critical interrelated aspects of the freight management environment.

Applicant's claim limitations do not recite limitations including the Grand Master Bulletin Board.

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

It is respectfully request that Applicant employ the services of a Patent Agent or an Attorney or a past Patent Agent or a past Patent Attorney who will assist the Applicant in claiming his invention without charging any fees. A list of Patent Agent's

and Attorney's can be found on the USPTO.gov website. Applicant may be able to inquire through the ABA and find a Patent Agent or Patent Attorney that would be willing to assist Applicant without charging any fees.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Wednesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Art Unit: 3694

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

January 31, 2008

/Ella Colbert/

Primary Examiner, Art Unit 3694

<b>Application Number</b> 	<b>Application/Control No.</b>	<b>Applicant(s)/Patent under Reexamination</b>	
	09/751,121	ABENDROTH, JOHN C.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ella Colbert	3694	